R E M A R K S

The Office Action dated January 6, 2011 has been reviewed and carefully considered. Claims 1-6 and 8-11 are pending. New claim 11 has been added. Support for new claim 11 can at least be found in the specification on page 5, lines 1-8. No new matter has been added. Reconsideration of the above-identified application in light of the amendments and remarks is respectfully requested.

Claims 1-6, 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maissel et al (U.S. Pub. 2004/0049787 A1) in view of Sha-Nazaroff et al. (U.S.Patent No.: 6,317,881) and Rafey et al. (Rafey) (US 2003/0110501A1).

Independent claim 1 recites the limitation of "wherein programs with content fulfilling a temporally limited criterion are positioned at a distance from the current navigation position in the list, which distance corresponds to the remaining duration of the criterion." Independent claims 6 and 9 recite similar limitations. Applicants can find nothing in Maissel Sha-Nazaroff and Rafey, alone or in combination, that teaches the above limitations.

The Office Action indicates that Rafey discloses a system for managing a list of programs (paragraph 10-11) wherein programs with content fulfilling a temporally limited criterion are positioned at a distance from the current navigation position in the list, which distance corresponds to the remaining duration of the criterion (sorting program based on the duration of

its content, so that longer running programming is listed below shorter programming content (paragraph 19, 25, 26) so as to provide a more user friendly system by easily allowing the viewer to specify the time they have to view programming and identify programs which can be viewed in the available amount of time (paragraph 10). Applicants respectfully disagree.

Duration of a program is not a temporally limited criterion, since the duration of a program is constant. If all programs are sorted by the same criterion (e.g. duration) there is nothing temporally limited about the particular criterion. In other words only one sort is needed, and there will be not repositioning of the programs since there is not a temporally limited criterion that will end. The present invention repositions program that met temporally limited criterion, not all programs will meet this temporally limited criterion. In Rafey, only if a new sort is conducted at a later time will the programs will move on the list, but still there is still nothing that is sorted based on temporally limited criterion(s).

Accordingly, Applicant respectfully submits that the cited Maissel, Sha-Nazaroff, and Rafey, alone or in combination, fail to teach or suggest the above limitations. Nothing in Maissel, Sha-Nazaroff, and Rafey teaches using *content* within a program as the basis for a temporally limited criterion. For at least the above cited reasons, Applicant submits that Claims 1, 6 and 9 are patentable over Maissel, Sha-Nazaroff and Rafey.

With regard to claims 2-5, 8 and 10 these claims depend from the independent claim discussed above, which have been shown to be allowable in view of the cited reference.

Accordingly, each of claims 2-5, 8 and 10 are also allowable by virtue of its dependence from an

allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are

patentable in view of the cited references.   A Notice of Allowance is respectfully requested.

Respectfully submitted,

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